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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5102 OF 2007

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.S.A. Rajeshirke for the petitioner.

Mr.V.A. Sonpal, A.G.P. for respondents no.4 to 7.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 10TH SEPTEMBER 2007

P.C. :

1. Heard. Perused the order passed by the District Deputy Registrar dated 13th November 2006.

2. The petitioner claims that the respondent no.2 has more than 3 children and, therefore he stands disqualified to hold the post of director of the respondent no.1 Market Committee. The petitioner was informed that as per the Act and the Rules applicable to the Market Committee, there is no provision providing for any disqualification for being a director of the market committee to the effect that if he has more than 3

children, he stands disqualified. We called upon the learned counsel to point out from the Act such provision. Learned counsel could not point out such provision for disqualification. However, he tried to point out the provision from the Cooperative Societies Act. We are of the view that for considering disqualification under the Cooperative Societies Act, the Collector has no power. Therefore, we refrain to entertain the petition. Petition is rejected.

(D.G. KARNIK, J.) (S.B. MHASE, J.)